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November 25, 2025

Re: *Epic Games, Inc. v. Samsung Electronics Co. Ltd. et al.*, No. 3:24-cv-06843-JD (N.D. Cal.)

Your Honor,

I write on behalf of Plaintiff Epic Games, Inc. (“Epic”) with regard to an urgent discovery dispute Epic learned of yesterday. Specifically, during a meet and confer, Google advised Epic that Google does not intend to complete document productions by December 5, 2025, in violation of the Court’s specific order that it do so.

The parties had a longstanding dispute about when Google ought to complete its production of documents. (*See, e.g.*, Dkt. 105, September 8 JSCS; Dkt. 110, September 18 Discovery Letter; Dkt. 121, October 30 JSCS.) At the November 6 Joint Status Conference, the Court resolved that dispute by ordering the parties to fully complete their document productions by December 5, 2025: “December 5th is the completion date. Not substantial. It’s the completion date.” (Nov. 6, 2025 Hr’g Tr. 40:2-3.)

In light of the Court’s Order, on November 12, 2025, Epic asked Google to confirm that it would “complete the production of *all* documents by December 5, 2025” including “any documents that fall off the [privilege] log”. After Google did not respond for a week, on November 21, 2025, Epic again wrote to Google noting that:

[W]e have repeatedly asked Google for its position on several issues on which we may need to go to court Most pressing, we need Google’s immediate confirmation/position on . . .
(iii) Google’s commitment to produce all documents and privilege logs by December 5, 2025 (*see* our correspondence of 11/12).

Google again did not respond, but on a November 24, 2025 meet and confer, Google indicated that it does not intend to produce “all documents” by December 5, 2025, but rather that it would take a full month to review documents it tagged initially as potentially privileged and continue producing documents from that population (*i.e.*, documents it determines are not

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in fact privileged) through January 5, 2026—a full month after the completion date ordered by the Court (and long after several depositions are scheduled to take place).¹

Epic respectfully requests that the Court direct Google to fully complete its document production, including any and all documents and including Google’s privilege log, by December 5.

Respectfully submitted,

By: /s/ Yonatan Even

¹ Google apparently is relying for its position on a schedule the parties jointly proposed in an October 30, 2025 Joint Status Conference Statement. (Dkt. 121 at 16.) Under that proposed schedule, Google would only need to substantially complete its productions by December 5, 2025, and would then have another month to produce “a few go-gets and maybe some things that fall off the privilege log, but nothing beyond that.” (Nov. 6, 2025 Hr’g Tr. 35:14-16.) But the Court specifically rejected that portion of the proposed schedule, ordering instead that “December 5 is the completion date. Not substantial.” (*Id.* at 40:2-3.) And the Court’s post-Hearing Order specifically states that “[t]he Court will enter the parties’ proposed amended schedule at Dkt. No. 121 at 16, *with adjustments as discussed on the record.*” (Dkt. 125 at 3 (emphasis added).)

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VIA ECF

E-FILING ATTESTATION

I, Yonatan Even, am the ECF User whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that each of the signatories identified above has concurred in this filing.

/s/ Yonatan Even

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